

## COASTAL CONSERVANCY

Staff Recommendation

April 27, 2006

### EAST BAY GREENWAY

File No. 06-028

Project Manager: Maxene Spellman/Carol Arnold

**RECOMMENDED ACTION:** Authorization to disburse up to \$100,000 to Urban Ecology to prepare a conceptual plan for the East Bay Greenway in Alameda County.

**LOCATION:** Alameda County northwest from the City of Fremont to 15<sup>th</sup> Avenue in Oakland, along the corridor beneath the elevated track of the Bay Area Rapid Transit system. (Exhibit 1: Project Location and Site Map)

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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#### **EXHIBITS**

Exhibit 1: Project Location and Site Map

Exhibit 2: Photos of the Ohlone Greenway & Trail

Exhibit 3: Photos of Elevated Tracks in Oakland

Exhibit 4: Letters of Support

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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 through 31164 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to Urban Ecology to prepare a conceptual plan for the East Bay Greenway, an open space and public access corridor in Alameda County, subject to the condition that no Conservancy funds shall be disbursed until the Executive Officer has reviewed and approved in writing:

1. Any contractors to be hired; and
2. A final work program for the project, including a detailed schedule and budget.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Urban Ecology is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

**PROJECT SUMMARY:**

This project will result in the preparation of a conceptual plan for a proposed East Bay Greenway, an open space and public access corridor along the right-of-way beneath the elevated Bay Area Rapid Transit (BART) track that runs for approximately 30 miles in a northwest direction from Fremont to 15<sup>th</sup> Avenue in Oakland. The planning process would be completed by late 2008. It will include all feasibility studies, right-of-way research, mapping, conceptual designs with linkages to San Francisco Bay and Ridge Trails and neighborhood locations, cost estimates for construction, a schedule of operation and maintenance, agency negotiations, public hearings, and environmental analysis and documentation. The project lead will be Urban Ecology, a nonprofit organization with extensive experience working with low-income communities, many of which are underserved and without convenient access to recreational amenities.

The project is similar in concept to the scenic and heavily used Ohlone Greenway, a 25-year old multi-use trail with greenway that was created along the right-of-way under the raised BART tracks in Berkeley, Albany and El Cerrito. Residents of and visitors to these communities utilize this open space corridor as a crucial link between job centers, housing and schools, and for a variety of recreational experiences, including hiking and bicycling. (Exhibit 2: Photos of the Ohlone Greenway & Trail). The East Bay Greenway project has the additional benefit of contributing significantly to quality of life improvements within traditionally underserved urban communities.

A unique window of opportunity has presented itself with a planned 10-year \$1.3 billion investment by BART to undertake seismic upgrades to its system. To be completed by 2012-14, the retrofit project will increase rider safety. It also has the potential to provide additional benefits through the funding of improvements to increase recreational opportunities and scenic amenities, and provide alternative means of commuting in the underserved communities through which BART runs in this area. The existing conditions along the 30 mile Fremont to Oakland corridor are very similar to those that existed in Berkeley, Albany, and El Cerrito prior to the construction of the Ohlone Greenway (Exhibit 3: Photos of Elevated Tracks in Oakland), and offer a similar opportunity to provide pedestrian and bicycle trails, playgrounds, open space, improved streetscapes, trail spurs, and interpretive signage within and adjacent to the BART

right-of-way. The project could offer multiple links with the Bay and Ridge trail systems, as well as other trails in the area.

This project will require extensive coordination between various affected jurisdictions, local communities and BART. To some degree, this coordination has already begun. But without an overarching organization to engage the public, build community support, design the greenway, and develop the project with BART, the opportunity to expand recreational facilities while addressing community health and safety issues will likely be missed. The BART seismic retrofit program would have extensive impacts upon local communities along the BART corridor. Rather than returning the corridor to its present unsightly and underutilized condition, it could be enhanced by the greenway project. Once the conceptual plan is prepared, the goal would be to incorporate it into BART's program so that the greenway project could move ahead concurrently with the seismic retrofit.

Urban Ecology is well positioned to develop this conceptual plan and undertake necessary negotiations with effected communities, BART and other agencies to assure the project's success. The Hass Jr. Fund has provided initial start-up funding, but additional funding is needed to enable Urban Ecology to fully develop the plan. Urban Ecology was established to promote ecological health and social vitality in east Bay communities. This purpose is consistent with San Francisco Bay Area Conservancy Program goal of improving public access in urban open spaces and completing regional trail systems like that proposed by Urban Ecology. This organization has learned first-hand how to address the needs of underserved communities through various projects in the East Bay, including four years of work with the Lower San Antonio neighborhood of Oakland. Throughout their work with communities of this type, Urban Ecology has learned that lack of recreational amenities and open space has contributed to health and other social problems that could be partially meliorated by the types of projects envisioned for the East Bay Greenway.

**Site Description:** The BART elevated structure extends from the City of Fremont running northwest to 15<sup>th</sup> Avenue in Oakland. The East Bay Greenway would extend roughly 30 miles along this route through six jurisdictions – Fremont, Union City, Hayward, unincorporated Alameda County, San Leandro and Oakland. At present, the corridor offers no usable open space, landscaping, pedestrian and bicycle paths, nor connections to adjacent neighborhood facilities. Most of it is unsightly and underutilized, conveying the feeling of a no man's land. This presents an unhealthy physical environment offering little or no recreational and mobility opportunities, which in turn contributes to health problems such as asthma, diabetes and obesity that disproportionately affect many residents in these communities.

**Project History:** Since 2002, BART has been developing plans to invest over \$1.3 billion to undertake a large-scale seismic retrofit to its facilities. The BART project is expected to be completed during the two-year period from 2012 to 2014. The construction phase will have significant impacts on the communities along the BART corridor as the agency undertakes this project.

Urban Ecology has been working with local communities in the East Bay to better assess and understand their recreational and related needs. The organization believes that with adequate planning, BART has the opportunity to include in its retrofit program the construction of a multi-use recreational greenway to serve residents in and visitors to the impacted communities. This

will require extensive input from these communities, a task Urban Ecology is well positioned to lead.

**PROJECT FINANCING:**

Coastal Conservancy	\$100,000
Hass Jr. Fund	125,000
The California Endowment	\$50,000
In-Kind (Urban Ecology)	<u>25,000</u>
<b>Total Project Cost</b>	<b>\$300,000</b>

The Conservancy's contribution of \$100,000 is expected to come from its FY 04/05 appropriation from the "California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002" (Proposition 40) for the San Francisco Bay Area Conservancy Program. This funding source may be used for the deployment and development of land and water resources in accordance with the provisions of the Conservancy's enabling legislation, Division 21 of the Public Resources Code. The proposed project serves to assist in the development of land-based public access: it will result in a conceptual plan for the East Bay Greenway, a 30 mile public access corridor within Alameda County, consistent with Chapter 4.5 of the Conservancy's enabling legislation as described below.

Proposition 40 also requires the Conservancy to give priority to projects with matching funds. This project is supported by substantial matching funds. Urban Ecology has received a \$25,000 grant from the Hass Jr. Fund, is expecting an additional \$100,000 by June 2006 from that organization, and is currently pursuing \$50,000 from The California Endowment. Additionally, Urban Ecology will contribute approximately \$25,000 of in-kind services.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

This project is undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31164, to address resource and recreational goals in the San Francisco Bay Area.

The East Bay Greenway will be located in Alameda County, one of the nine San Francisco Bay Area counties in which the Conservancy is authorized, under Sections 31160 and 31161 of the Public Resources Code, to undertake projects and award grants to address resource and recreational goals for the region.

Under Section 31162(a), the Conservancy may act to improve public access to, within, and around the bay, coast, ridgetops, and urban open spaces through completion and operation of regional bay, coast, water, and ridge trail systems, and local trails connecting to population centers and public facilities which are part of a regional trail system and are consistent with locally and regionally adopted master plans and general plans. The East Bay Greenway will be designed to provide links to the Bay and Ridge Trails, as well as other local trail systems. The

concept is consistent with both the City of Oakland's 1999 Bicycle Master Plan and the 2002 Pedestrian Master Plan which identify the BART right-of-way as a key planning component and which could connect with a similarly proposed pathway in San Leandro. Additionally, the Union City General Plan, Alameda Countywide Bicycle Plan, and the City of Fremont Bicycle Master Plan are consistent with the concept of the greenway project.

In addition, the project will serve to accomplish the objectives of Section 31162(d), since it develop a plan for open space accessible to the urban population of the San Francisco Bay Area for recreational and educational purposes.

Finally, this project satisfies all of the criteria for determining project priority under Section 31163(c), as follows: The project (1) is supported by adopted regional plans as described above; (2) serves a regional constituency, in that the project will provide public access for the benefit of the population of the East Bay region of the San Francisco Bay Area, (3) can be completed in a timely manner; (4) provides benefits that would otherwise be lost if the plan is not completed in time to incorporate it into the larger plans for the BART seismic upgrade; and (5) includes significant matching funds from the Hass Jr. Fund and in-kind services from Urban Ecology.

#### **CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

The proposed project is consistent with **Goal 11, Objective A** of the Conservancy's Strategic Plan, which calls for the provision of recreational facilities such as trails, picnic and staging areas and other public access amenities.

Consistent with **Goal 11, Objective B**, the proposed project will create approximately 30 miles of regionally significant public access trails and corridors which will link the San Francisco Bay and Ridge Trails to urban open spaces.

Consistent with **Goal 11, Objective D**, the proposed greenway project will include public access elements that will be wheel-chair accessible and/or in other ways ADA-compliant.

#### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

##### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project is supported by legislators and multiple organizations including Senators Don Perata and Liz Figueroa and Assemblymembers Wilma Chan, Johan Klehs and Alberto Torrico, the United Council, Cycles of Change, East Bay

Bicycle Coalition, East Bay Asian Youth Center, East Bay Asian Local Development Corporation, and the Rails-to-Trails Conservancy. Additionally, several BART board members have indicated their support, and the full support of the BART Board is expected. Finally, local jurisdictions are supportive of the concept for an extensive greenway along the BART right-of way. (Exhibit 4: Letters of Support)

4. **Location:** The East Bay Greenway is located within the 9-county jurisdiction of the San Francisco Bay Area Conservancy Program and would extend for approximately 30 miles along the BART right-of-way beneath the elevated structure running northwest from Fremont to 15<sup>th</sup> Avenue in Oakland. It would pass through six different jurisdictions: Fremont, Union City, Hayward, unincorporated Alameda County, San Leandro and Oakland.
5. **Need:** The East Bay Greenway project would not occur if the Conservancy and Urban Ecology did not take the lead. Because of its location within the BART right-of-way through multiple jurisdictions, it requires innovative leadership with a regional perspective.
6. **Greater-than-local interest:** When constructed, the greenway would be used by residents within six East Bay jurisdictions as well as by visitors from outside the area who seek opportunities for extended bicycle rides and hiking.

#### **Additional Criteria**

7. **Urgency:** BART is engaged in planning for an extensive seismic retrofit. If the greenway plan is not developed concurrently and incorporated into these plans, the opportunity will be lost.
8. **Resolution of more than one issue:** This project would resolve the need for a more extensive network of recreational opportunities and an alternative means of commuting for residents of and visitors to the East Bay. Additionally, the project would improve open space and scenic amenities within an otherwise underused and unsightly urban transit corridor.
9. **Leverage:** See the “Project Financing” section above.
10. **Conflict resolution:** The project would resolve potential conflicts between a large-scale construction project and its impacts on local communities by providing public access and open space in an area of the East Bay where this is needed. With the added public benefits that would be provided by developing the greenway, local buy-in to BART’s plans for a seismic retrofit would be more readily obtained.
11. **Innovation:** The concept of using the BART right of way for public access and open space is an innovative approach to meeting the need for increased recreational opportunities for local residents in communities with a deficit of these types of amenities. The right of way corridor would otherwise continue in its unsightly and underutilized condition.
12. **Readiness:** Urban Ecology has been meeting with representatives from local communities and BART who have indicated conceptual support for the greenway project.

The organization is now positioned to begin formal plan development and negotiations and to hold necessary public meetings.

13. **Realization of prior Conservancy goals:** “See “Project History” above.”
14. **Cooperation:** Urban Ecology has assessed community interest in this project and expects full cooperation from local jurisdictions and residents. Additionally, it has begun negotiations with BART and expects these to move forward smoothly.

**COMPLIANCE WITH CEQA:** The project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code of Regulations Section 15262, because it involves only feasibility or planning studies for possible future actions, which the Conservancy has not yet approved, adopted, or agreed to fund. As required by Section 15262, the planning for the East bay Greenway will include consideration of environmental factors and preparation of environmental documentation.

Upon Conservancy approval of the project, staff will file a Notice of Exemption.